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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,069	10/24/2003	Michael S. Bernstein	003797.00625	7644

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EXAMINER

SAJOUS, WESNER

ART UNIT PAPER NUMBER

2676

DATE MAILED: 03/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/692,069	BERNSTEIN, MICHAEL S.	
	Examiner	Art Unit	
	Sajous Wesner	2676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is responsive to the amendments and response dated December 21, 2005. Claims 1-18 are presented for examination.

Response to Arguments

1. In response to Applicant's argument that the Robotham reference fails to teach "receiving ink input from a user" and "rendering ink", the Applicant is directed to col. 52, lines 57-59 where it is stated that a user can use a pen on a client device to draw an ellipse around an area of interest within a display surface. The application of a pen to draw on a display surface corresponds to the reception of ink data on a display surface. In addition, Robotham, at col. 52, line 66 to col. 53, line 4, suggest that the drawing create bitmap image that can be rendered as transparent overlay bitmaps. Hence Robotham meets the claimed limitations. Thus, the Applicant's arguments are not deemed persuasive.

All other arguments are moot in view of the new ground of rejections necessitated by amendments.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application

by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Robotham, et al. (US 6,704,024).

Considering claim 1, Robotham discloses receiving ink input from a user (see col. 52, lines 57-59); rendering said ink (see col. 52, line 66 to col. 53, line 4); creating a transparency map where the transparency map stores transparency information corresponding to said ink (see col. 50 lines 45-55 in light of col. 52, line 66 to col. 53, line 4). Here, Robotham states that "this bitmap image can include per-pixel transparency data (such as an alpha channel)". This corresponds to creating information related to the claimed transparency map. In addition Robotham discloses caching said transparency map (see col. 14, Lines 12-20). Here, Robotham states that, "This is the basis for many of the features and advantages of the present invention, such as server-side rendering, multi-level browsing, and caching methods based on rasterized representations." The caching methods based on rasterized representations correspond to the caching of transparency maps. See also col. 47 lines 7-34 where it is stated that rasterized representation of bitmap image can be saved on a cache.

With regard to claim 2, Robotham discloses storing said transparency map (see col. 52, line 66 to col. 53, line 4) where it is stated that bitmap image component can be rendered as a transparent overlay over the display surface for display.

In regard to claim 3, Robotham discloses the rendering step produces a bitmap of said ink (see col. 52, line 57 to col. 53, line 4).

In regard to claim 4, Robotham discloses wherein said transparency map is an alpha channel of an image (see Robotham's col. 50 lines 45-55). The bitmap which "can include per-pixel transparency data (such as an alpha channel) corresponds to the transparency map that is an alpha channel of an image.

In regard to claim 5, Robotham discloses said image is a bitmap image (see Robotham's col. 50 lines 45-55).

The invention of claims 6-10 contain features that are analogous to the limitations recited in claims 1-5, respectively. This being the case, the limitations of claims 6-10 are therefore rejected under the same rationale as claims 1-5, respectively.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robotham, et al. in view of Aleksic, et al. (Patent # 6,927,778).

Considering claims 11 and 14, Robotham discloses a process for displaying ink information (as characterized by the depiction at fig. 1) comprises creating a transparency map where the transparency map stores transparency information corresponding to ink input from a user; and applying foreground information to the transparency map to define attributes of the ink (see col. 50 lines 45-55 in light of col. 52, line 66 to col. 53, line 4). Here in these citations, Robotham states that "this bitmap image can include per-pixel transparency data (such as an alpha channel)". This corresponds to creating information related to the claimed transparency map. Further, Robotham, at lines 3-5 of col. 53, states that the pen is drawn over a rendered surface and create overlay bitmap is then rendered and blended with the surface content. This process corresponds with the applying of foreground information to the transparency map to define attributes of the ink, wherein the rendered surface corresponds to the transparency map, the pen strokes correspond to the ink attributes, and the bitmap image component corresponds with the foreground information.

Robotham does not specifically mention the combining of foreground and background information to transparency map to form a resultant image. However, these limitations are taught by Aleksic et al.

Aleksic discloses combining said transparency information with foreground information; combining the combination of said transparency information and said foreground information with background information to form a resultant image; and displaying said resultant image. (see Aleksic, et al. Col 2. lines 46-63). Specifically,

Aleksic teaches that "...objects can be overlaid, in which a first object, a foreground object is to be displayed on top of another object, a background or destination object. The pixel data of the foreground object can be combined with the background object to simulate particular image effects. Alpha values are supplied to define a proportion of the foreground object and a proportion of the background object to use in generating an output pixel (see Aleksic col. 2 lines 49-57). This use of combining objects with alpha values would be used in Robotham et al.'s system where the remote browser provides support for overlays (see Robotham col. 50 lines 45-55). The server 22 in Robotham sends the content overlay as an additional bitmap image to the client. That bitmap image, being a transparent map, is then combined with the client's current display to create an output image. The system for handling this process would take place in Robotham's rendering and pixel transform functions, as well as the client's display output. (See Robotham's Fig. 1, items 22, 5- including rendering function and pixel transforms processes).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to utilize the foreground/background combining as taught by Aleksic in Robotham's system because the merging of foreground and background images to create an output through use of alpha blending is efficient and faster than rendering a full image.

In regard to claim 12, Robotham discloses wherein said transparency information is in an alpha channel of an image. (See Robotham col. 50 lines 45-55). The bitmap

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image which "can include per-pixel transparency data (such as an alpha channel) corresponds to said transparency information which is an alpha channel of an image.

In regard to claim 13, Robotham discloses said image is a bitmap image. (See Robotham col. 50 lines 45-55).

Claim 14 is a system claim that recites features analogous to the limitations recited in claim 11, claim 14 is therefore rejected under the same rationale set forth above for claim 11.

In regard to claim 15, Robotham discloses said transparency information is in an alpha channel of an image. (See Robotham fig. 2, Item 14a shows the bitmap that contains the transparent information that is an alpha channel of an image.

In regard to claim 16, Robotham discloses said image is a bitmap image (see Robotham's col. 50 lines 45-55).

In regard to claims 17 and 18, Robotham discloses one of the attributes of the ink is color. See col. 24, lines 31-36.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sajous Wesner whose telephone number is 571-272-7791. The examiner can normally be reached on Mondays thru Fridays between 10:30 and 7:00 PM.

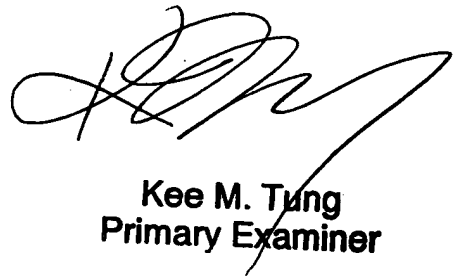
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tung kee can be reached on 571-272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wesner Sajous



3/4/06



Kee M. Tung
Primary Examiner